

FILED

OCT 14 2005

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :

v. :

GREGORY GOODING, :

Defendant. :

Criminal No. 05-186 (RJL)

FACTUAL PROFFER IN SUPPORT OF GUILTY PLEA

The United States, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Gregory Gooding, hereby submit this Factual Proffer in Support of Guilty Plea. The essential elements of the offense of Unlawful Possession of Firearm by Convicted Felon, 18 U.S.C. 922(g)(1), each of which the Government must prove beyond a reasonable doubt, are:

1. That the defendant knowingly possessed a firearm, that is, a handgun, **or** that the defendant knowingly possessed ammunition;
2. That the firearm **or** ammunition had been shipped or transported from one state to another; and
3. That at the time the defendant possessed the handgun **or** the ammunition, the defendant had been convicted of a crime punishable by imprisonment for a term exceeding one year.

Had this matter proceeded to trial, the Government was prepared to prove beyond a reasonable doubt that on April 20, 2005, at approximately 1:00 p.m., members of the U.S. Marshal's Service went to defendant Gregory Gooding's apartment, located at 3711 Horner Place, apartment

No. 31, to execute an eviction. Upon entry into the apartment, defendant Gooding informed the Deputy Marshals that he needed to go to his bedroom to retrieve his wallet. The Deputy Marshals followed defendant Gooding as he walked into his bedroom and observed him standing around the mattress area of his bed. The Deputy Marshals became suspicious of the defendant's behavior and approached the mattress where they had observed defendant Gooding standing, and recovered a Ruger P95DC Semi-automatic handgun (Serial Number 311-40125), loaded with 15 rounds of ammunition. Defendant Gooding was then placed under arrest.

Further investigation revealed that defendant Gooding had been previously convicted of a crime punishable by imprisonment for a term exceeding one year. Also, neither the Ruger P95DC Semi-automatic handgun (Serial Number 311-40125) or the 15 rounds ammunition were manufactured in the District of Columbia, and had been previously transported through interstate commerce.

This factual proffer is a summary of the defendant's participation in the possession of a firearm after having been convicted of a crime punishable by imprisonment for a term exceeding one year and is not intended to be a complete accounting of all facts and events related to the offense. The limited purpose of this factual proffer is to demonstrate that a factual basis exists to support the defendant's guilty plea in this case.

Respectfully Submitted,

KENNETH L. WAINSTEIN  
UNITED STATES ATTORNEY



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LIONEL ANDRE  
ASSISTANT UNITED STATES ATTORNEY  
Narcotics Section  
555 4<sup>th</sup> St., NW Rm. 4846  
Washington, D.C. 20530

DEFENDANT'S ACKNOWLEDGMENT

I have read this factual proffer and have discussed it with my attorney, Mary Petras, Esquire. I fully understand this factual proffer. I agree and acknowledge by my signature that this proffer of facts is true and accurate. I do this voluntarily and of my own free will. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this factual proffer fully.

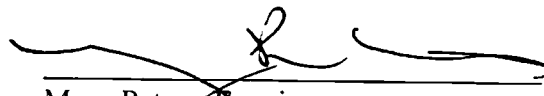
Date: 10-13-05

  
Gregory Godding

ATTORNEY'S ACKNOWLEDGMENT

I have read this factual proffer, and have reviewed it with my client fully. I concur in my client's desire to adopt this factual proffer as true and accurate.

Date: 10-13-05

  
Mary Petras, Esquire  
Attorney for the Defendant